



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, November 29, 2011**
Meeting Time: **7:00 pm**

Members Present: Marcia Gasses (Chair), Frank Torr (Vice Chair), Tom Clark, Lee Skinner, Gary Green, Mayor Dean Trefethen, Linda Merullo, Dave White, Jake Forget (Alternate), Kirt Schuman (Alternate).

Members Not Present: Ron Cole

Staff Present: Christopher Parker (Planning Director), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:00 pm

1. CITIZENS' FORUM

Citizens Forum Open. Nobody addressed the board. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- November 8, 2011 - Regular Meeting Minutes

Motion: F.Torr motioned to approve the November 8, 2011 minutes. Seconded by G.Green.

Vote: U/A.

L.Skinner pointed out he was not present at the November 8, 2011.

3. OLD BUSINESS

C.Parker gave an update to the Gladiola Lane project. There was a Hearing in April, agreed list of action plans, and deficiencies. There is a \$90,000 bond for roadway improvements/curb improvements. An increase in bond amount was asked for drainage improvements; a second hearing was held in September. Staff developed a new action plan – and met with attorney's for residents, and builder. In October, a letter was received from the residents' attorney, and they did not agree with the Planning Board plan. We are still waiting for response from Mr. Goldstein's attorney to date. There were 3 problems: (1) \$90,000 could be used to repair the roadway/curbs; (2) drainage improvements (3) formation of homeowner association. The residents do not want to form a homeowner association until the drainage issues are fixed. They want the City to use the \$90,000 to fix the drainage; all three elements would need to be put in place. The attorney for Mr. Goldstein and an attorney for the residents are still trying to get cooperation and communication between parties.

L.Skinner asked if the developer have done anything about the problems; D.White & C.Parker agree that developer have not done anything. The City was not given permission to go onto private property and the City is considering legal action to have Mr. Goldstein forced to signed so the City could go onto the property and make improvements.

L.Merullo asked if its prudent to use the \$90,000 to just do the work; when the drainage just goes back into the road, the road would be ruined. Can the \$90,000 be used for the drainage. The bonded money needs to be used for the bonding purposes – roadways and curbs.

Chair Gasses asks the Board what can be done. The City and the residents want the same outcome.

C.Parker states that no work has been done since the September discussions and letters have been received from residents disagreeing with the resolutions.



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G.Green asked if it would be beneficial to meet with General Legal Council to discuss. The Board agrees and C.Parker will coordinate with A.Krans.

- A. Public Hearing and possible vote on zoning amendments to the Zoning Ordinance (Chapter 170). The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located under City Documents and View Current City Reports.

C.Parker gave a presentation on the City Rezoning 2011. He explained the Non-Use and Use Amendment types.

L.Merullo asked about the signage amendments for example political signs. She is questioning the length of time political signs/presidential race signs are up for up to 11 months which is encouraging others to just place signs wherever.

Public hearing open

John Scruton, 99 Sixth Street – questioned 37 acres on Spruce Lane. He is questioning the City giving away farm land for development. More government means more schools, which means higher taxes.

C.Parker stated in 2004 more land was zoned agricultural than in 1979 encouraging more farm land. The Open Space Master Plan encourages more open space in the City.

Catherine Forbes, 215 Long Hill Road, questioned Assembly Hall and Function Halls – they are different than church activities.

C.Parker pointed out the 5,000 square feet size limitations.

Donna Verville, 102 Stark Avenue, questioned removing the use of Church. She asked about the “language change.” She asks that the City not be vote on until it is researched further. She asked further about Amendment 170-12 Gas Stations but just wanted a clarification.

C.Parker pointed out it is a Federal Law of the wording, making it non-discriminatory. He pointed out all religious uses, assembly hall, banquet hall, place of gathering – group them as one use and not be discriminating. The current use will still be allowed. The City can not ask a church to change its name.

Ron Pfeiffer, Belknap Street, wanted clarification about nursing homes, congregate care. He questioned the elderly definitions.

Mr. Parker stated that added wording adds opportunity for elder care facilities in the City.

Billy Verville, 102 Stark Avenue, asked about wind systems and definitions.

C.Parker gave detailed description of wind turbines, creating local ordinance for alternate energy sources.

K.McEaney asked about TDR (Transfer Development Rights).



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Recess Public Hearing on Zoning Amendments.

- B. Consideration and possible vote on a Conditional Use Permit for FW Webb, Assessors Map H, Lot 40-B, zoned B-4, located at 218 Knox Marsh Road. (P11-55)

F.Torr motioned to remove from the table. Seconded by T.Clark. Vote: U/A.

Mark McCleod – HL Turner Group. Andrew McBeth, Michael Shea (FW Webb). Mr. McCleod gave a brief overview. The Site Walk was October 12th, The Conservation Committee Meeting was November 14th. He stated that the Planning Board comments were technical and were addressed clearly. The Engineering Dept. requested specific items on the plans. All items requested by the City have been taken care of, with the exception of two items:

- 1) The road treatment as requested by DOT which is a pending issue. Two concept plans will be discussed with the DOT on November 30th.
- 2) The State permit for the Alteration of Terrain Permit is pending from November 14th.

Reopen the Public hearing on Items B & C for F.W.Webb. Nobody spoke. Closed the public hearing.

The Planning Department recommends the Planning Board approve the Conditional Use Permit applications with the following conditions:

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit for Parking Reduction:

1. The applicant shall provide the Planning Department with a Transportation Management Plan, to be reviewed and approved by the Planning Director.
2. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit for Secondary Groundwater Protection District:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Alteration of Terrain Permit.

- C. Consideration and possible vote on a Site Review of land for FW Webb, Assessors Map H, Lot 40-B, zoned B-4, located at 218 Knox Marsh Road. (65,000 square foot retail, warehouse and distribution building) (P11-56)

The Planning Department recommends the Planning Board approve the application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Alteration of Terrain Permit and add the permit number to the plan.



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5. The applicant shall provide the Planning Department with a copy of the NH Department of Transportation Driveway Permit and add the permit number to the plan.

Conditions to Be Met Prior to Issuance of a Building Permit:

6. The applicant shall complete the Lot Merger Form and record the document at the Strafford County Registry of Deeds.
7. The applicant shall provide proof that the EPA Notice of Intent has been filed.
8. The new buildings shall pay the current impact fees in place at the time of building permit application.
9. The new buildings shall be assessed the current water/sewer investment fees in place at the time of building permit application.
10. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, with no Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

G.Green asked about the DOT letter/Joint Use Agreement with the power company and asked if it should be listed as a condition.

C.Parker felt he did not feel it was necessary.

Motion: Frank Torr motioned to approve the Conditional Use Permit. Seconded by G.Green. Vote: U/A.

Motion: Frank Torr motioned to approve the Site Plan. Seconded by T.Clark. Vote: U/A.

Public Hearing Open. Nobody spoke. Public Hearing Closed.

- D. Consideration and possible posting of amendments to the land use regulations.

C.Parker asked to keep on the table and will come back to it later.

Motion: Motioned by G.Green to keep on the table. Seconded by L.Merullo. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Subdivision of land for Maureen & Michael Ryan, Assessor's Map 10, Lot 162, zoned R-12, located at 15 Arch Street. (1 new lot) *(P11-50)

K.McEaney who represented the applicants and presented for them. He stated the Zoning Board approved a variance on October 23, 2010 with two conditions, which allowed the subdivision. The new lot would be limited to a single family dwelling and that the second lot have its driveway on the right side/southerly side of the property and no closer than 5 feet from the property line.



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G.Green asked about the single driveway for the existing home, and the newly created parcel would have a new driveway as specified by the Variance granted.

D.Trefethen – asked portico to remain due to 5 ½ feet distance to the proposed property line.

C.Parker answered it was approved to keep it at its current location of 5 ½ feet, as it was not considered a structure and did not require the 10 feet distances as a structure. If future construction were to enclose it, they would need another variance and it probably would not be approved.

Motion: G.Green motioned to accept the application. Seconded by D.Trefethen. Vote: U/A.

Public hearing open. Nobody spoke. Public hearing closed.

The Planning Department recommends that the Planning Board accept the application, and approve the subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing the Plat:

1. The owner's signatures shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall add the surveyor stamp and signature to the plat.

G.Green asked if a condition needed to be added that it is single family only.

C.Parker responded that it was updated on the plan. (note #9)

Motion: L.Merullo motioned to approve with staff recommendations. D.White seconded.
Vote: U/A

- B. Consideration and acceptance of a Conditional Use Permit for Dahn & Norma Tibbett, Assessors Map N, Lot 13B, zoned R-40, located at Gulf Road. *(P11-58)

Paul Connelly, Civilworks Engineering, spoke on behalf of the applicants. This plan was previously presented due to a Lot Line Adjustment. This property was part of a family farm parcel from the early 1900's. In July 2011, a septic design was prepared by Civilworks. There are wetland issues and diminished setbacks from the septic area. A meeting was held with the Conservation Committee which requested a wetland buffer line signage or placards.

L.Merullo asked about the driveway and impacting wetlands with driveway.

P.Connelly showed the Board on the drawings and responded there is no wetlands impact, but a tiny wetland buffer.

D.White asked when the markers delineating the wetland buffer.

P.Connelly advised right away. In addition, the buffer will be marked in the field with construction fence.



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Motion: L.Merullo motioned to accept the application. Seconded by D.White. Vote: U/A

Public hearing open. Nobody spoke. Close public hearing.

The Planning Department recommends that the Planning Board approve the conditional use permit with the following conditions:

Conditions to Be Met Prior to any Earth Disturbance Activity:

1. Per Chapter 170-27.1-D-1-c, the applicant shall install a minimum of seven wetland buffer signs along the 50-foot wetlands buffer line as shown the plan prepared by Civilworks. This shall be checked and approved by the Building Official and City Engineer.

Motion: L.Merullo motioned to approve the conditional use permit. Seconded by T.Clark. Vote: U/A

- C. Consideration and acceptance of a Site Plan Review of land for Cocheco Mills, LLC, (Owner: Dover Mills Partnership) Assessors Map 2, Lots 37, 37A; Assessors Map 3, Lots 63, 63B, & 45, zoned CBD, located at 100 Main Street, 43 & 51 Washington Street. (Change of use of 120,000 sq. ft. office space to 120 residential units) *(P11-60)

Dana Lynch of Civilworks presented the proposal on behalf of the applicant. Eric Chinburg was also present to answer any questions. D.Lynch gave a presentation on the project. The complex consists of Mill #2, #3, and #5. There are 170 on-site parking spaces at Mill #3. The proposal is a Change of Use application on the upper levels of the buildings, being converted to residential apartments. Mill #2 will be phase I. Mill #3 will be phase II and Mill #5 will be phase III. Phase I will be immediate. There will be 620 parking spaces available to the mills. D.Lynch went on to discuss current parking spaces vs. the proposal. National parking studies range from 1.2 to 1.4 spaces per unit. The proposal calls for approximately 168 spaces. The owner of the Mill will use his own parking system including parking stickers which designates a parking area in lieu of a parking space. He discussed daytime parking vs. office parking and peak hour parking requirements.

D.Trefethen asked about bike storage for residents of the apartments, and which floors would be converted to residential. He asked about trip generation and if there would be enough parking for the remaining commercial/office units.

D.Lynch stated bike storage will be inside each building. E.Chinburg discussed residential spaces in the buildings. There will be 40 units on the top two floors of building #2 and possibly the top two floors of building #3. He stated because of the shift occupancy (daytime/nighttime), it will allow flexibility and utilize the commercial spaces. Current parking leases will be adhered to until the current owners' obligation is fulfilled. After that, parking permits would be purchased.

G.Green questioned a reduction in handicapped spots and the ADA.

D.Lynch stated there will be an overlapping of residential/commercial. There will also be a shuttle for commercial tenants from the outer parking lots to the mills. There are no plans to change any of the existing parking spaces/or lines.

C.Parker questioned the previous comment about the 2nd and 3rd shift occupancy. He asked how you would market to remaining commercial spaces with limited parking.



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L.Skinner asked about current available spaces on Chestnut Street. The developer feels there should be enough parking at the mills for the residents.

L.Merullo asked about building #2, and that there are only 22 spaces and questioned guest parking.

D.Lynch stated there are two entrances – in that vicinity there are additional parking spaces on School Street, and adjacent to the Taste of India lot, and 90 on the steam plant lot. Some visitors spaces would be provided, but as non-designated spaces.

Motion: T.Clark motioned to accept the application. Seconded by D.White. Vote: U/A

Public hearing open. Nobody spoke. Public hearing closed.

C.Parker handed out an email from Eric Chinburg.

The Planning Department recommends the Planning Board approve the application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The approval includes the granting of the waiver for minimum site plan requirements for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 149-19-A have been met.

Conditions to Be Met Prior to Issuance of a Building Permit:

4. The applicant shall complete the Lot Merger Form and record the document at the Strafford County Registry of Deeds or provide proof that a Lot Merger is disadvantageous for financing.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

5. The new dwelling units shall pay the current impact fees in place at the time of building permit application.
6. The new buildings shall be assessed the current water/sewer investment fees in place at the time of building permit application.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work, at the phasing point (3 phases).

Motion: F.Torr motioned to approve the Site Plan with recommendations. Seconded by G.Green. Vote: U/A.

Open public hearing. Nobody spoke to the board. Public hearing closed.

5. STAFF COMMENTS:

- The Department has a new employee that will start on January 3, 2012.
- Chris Parker thanked Steve Bird for stepping up to the plate and filling in while searching for the new Zoning Assistant.
- 2012 schedule – Please submit any agenda/education topics for the upcoming year



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- Chair Gasses pointed out what a wonderful job C.Parker did on the CIP and wants the Board to discuss its role in CIP.

6. COMMITTEE REPORTS

- Master Plan – There were 7 positions to fill (4 from Boards/Commissions, 3 volunteers from the community.)
The Chair approves the following to the Master Plan Steering Committee:
Jack Mettee – DBIDA Rep
Dana Lynch – Chamber Rep
TBD - A Council Rep
Kirt Schuman – Planning Board Rep
Alison Webb – Citizen
Anne Ross – Citizen
Norm Francassa – Citizen
- Chair nominates the following be accepted by Council to represent the City at Strafford Regional Planning Commission:
Tom Clark
Sam Reid
Marcia Gasses
- one vacant opening remains
- Lee Skinner reported on the Open Space Committee. January could be final meeting, then it would go to planning board for adoption.
- Gary green commented on getting info to planning board members.

7. ADJOURNMENT

Motion: G.Green motioned to adjourn the meeting at 9:15 pm. Seconded by F.Torr. Vote: U/A